# MONTANA LEGISLATIVE HISTORY

Chapter 424 1991

Bill H 690 S _____ Original bill & history ✓ C

H. Committee on Business & Econ Dvlpmt S. Committee on Public Health, Welfare

| | | | | | |
|---|---|---|---|---|---|
| Hearing Date(s) | 2-22 | ___C | Hearing Date(s) | 4-1 | ___C |
| | _____ | ___C | | _____ | ___C |
| | _____ | ___C | | _____ | ___C |
| | _____ | ___C | | _____ | ___C |
| Date Out | 2-22 | ___C | DATE OUT | 4-1 | |

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Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

CHAPTER NUMBER 793 EFFECTIVE DATE: 5/17/91

HB 685 INTRODUCED BY TOOLE, ET AL.
REVISE LOBBYIST DISCLOSURE, REGISTRATION, AND ACCOUNTING LAWS

2/07 INTRODUCED
2/07 REFERRED TO STATE ADMINISTRATION
2/08 FIRST READING
2/08 FISCAL NOTE REQUESTED
2/13 HEARING
2/13 TABLED IN COMMITTEE
2/15 FISCAL NOTE RECEIVED

HB 686 INTRODUCED BY KILPATRICK, ET AL.
REIMBURSING RETAILER FOR GASOLINE TAX EVAPORATION ALLOWANCE

2/07 INTRODUCED
2/07 REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT
2/08 FIRST READING
2/18 HEARING
2/19 TABLED IN COMMITTEE

HB 687 INTRODUCED BY MADISON, ET AL.
DISPOSITION OF SURPLUS CAMPAIGN CONTRIBUTIONS

2/07 INTRODUCED
2/07 REFERRED TO STATE ADMINISTRATION
2/08 FIRST READING
2/18 HEARING
2/18 TABLED IN COMMITTEE

HB 688 INTRODUCED BY SIMPKINS
ELIMINATING INSPECTIONS BY BOARD OF COSMETOLOGISTS

2/08 INTRODUCED
2/08 REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT
2/08 FIRST READING
2/08 FISCAL NOTE REQUESTED
2/11 HEARING
2/13 TABLED IN COMMITTEE
2/14 FISCAL NOTE RECEIVED
2/14 FISCAL NOTE PRINTED

HB 689 INTRODUCED BY SIMPKINS, ET AL.
AMEND CONSTITUTION TO REVISE EDUCATIONAL GOALS

2/08 INTRODUCED
2/08 REFERRED TO EDUCATION & CULTURAL RESOURCES
2/08 FIRST READING
2/22 HEARING
2/22 TABLED IN COMMITTEE

HB 690 INTRODUCED BY HARPER, ET AL.
REVISE CRUELTY TO ANIMALS LAW AND INCREASE PENALTY FOR NUMEROUS OFFENSES

2/08 INTRODUCED
2/08 REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT
2/08 FIRST READING
2/08 FISCAL NOTE REQUESTED
2/14 FISCAL NOTE RECEIVED
2/15 FISCAL NOTE PRINTED
2/22 HEARING
2/22 COMMITTEE REPORT—BILL PASSED AS AMENDED

| | | | |
|---|---|---|---|
| 3/07 | 2ND READING PASSED | 93 | 3 |
| 3/09 | 3RD READING PASSED | 88 | 6 |
| | TRANSMITTED TO SENATE | | |
| 3/11 | FIRST READING | | |
| 3/11 | REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY | | |
| 4/01 | HEARING | | |
| 4/02 | COMMITTEE REPORT—BILL CONCURRED | | |
| 4/04 | 2ND READING CONCURRED | 40 | 7 |
| 4/05 | 3RD READING CONCURRED | 40 | 10 |
| | RETURNED TO HOUSE | | |
| 4/11 | SIGNED BY SPEAKER | | |
| 4/11 | SIGNED BY PRESIDENT | | |
| 4/11 | TRANSMITTED TO GOVERNOR | | |
| 4/15 | SIGNED BY GOVERNOR | | |
| | CHAPTER NUMBER 424 | EFFECTIVE DATE: 10/01/91 | |

HB 691 INTRODUCED BY TOOLE, ET AL.
REMOVE GOVERNMENT IMMUNITY FOR ENVIRONMENTAL DAMAGE

| | | | |
|---|---|---|---|
| 2/08 | INTRODUCED | | |
| 2/08 | REFERRED TO JUDICIARY | | |
| 2/08 | FIRST READING | | |
| 2/08 | FISCAL NOTE REQUESTED | | |
| 2/14 | FISCAL NOTE RECEIVED | | |
| 2/15 | FISCAL NOTE PRINTED | | |
| 2/18 | HEARING | | |
| 2/19 | COMMITTEE REPORT—BILL PASSED | | |
| 2/25 | 2ND READING PASSED | 58 | 41 |
| 2/26 | 3RD READING PASSED | 60 | 39 |
| | TRANSMITTED TO SENATE | | |
| 2/26 | FIRST READING | | |
| 2/26 | REFERRED TO JUDICIARY | | |
| 3/14 | HEARING | | |
| 3/16 | COMMITTEE REPORT—BILL CONCURRED AS AMENDED | | |
| 3/18 | 2ND READING CONCURRED | 31 | 16 |
| 3/19 | 3RD READING CONCURRED | 37 | 11 |
| | RETURNED TO HOUSE WITH AMENDMENTS | | |
| 3/23 | 2ND READING AMENDMENTS NOT CONCURRED | 63 | 26 |
| 3/23 | CONFERENCE COMMITTEE APPOINTED | | |
| 4/25 | CONFERENCE COMMITTEE REPORT NO. 1 | | |
| 4/25 | 2ND READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED | 76 | 19 |
| 4/25 | 3RD READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED | 74 | 24 |
| | SENATE | | |
| 3/28 | CONFERENCE COMMITTEE APPOINTED | | |
| 4/25 | CONFERENCE COMMITTEE REPORT NO. 1 | | |
| 4/29 | 2ND READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED | 48 | 0 |
| 4/29 | 3RD READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED | 44 | 3 |
| 5/03 | SIGNED BY SPEAKER | | |
| 5/03 | SIGNED BY PRESIDENT | | |
| 5/03 | TRANSMITTED TO GOVERNOR | | |
| 5/24 | SIGNED BY GOVERNOR | | |
| | CHAPTER NUMBER 818 | EFFECTIVE DATE: 5/24/91 | |

HB 692 INTRODUCED BY GOULD, ET AL.
SCHOOL OF PHARMACY ACCOUNT FROM INCREASED PHARMACY-RELATED LICENSURE FEES

HOUSE BILL NO. 690

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW REGARDING CRUELTY TO ANIMALS BY ADDING CRUEL CONFINEMENT AND FAILURE TO PROVIDE LICENSED VETERINARY OR MEDICAL CARE AS PUNISHABLE OFFENSES; ADDING AN EXCEPTION FOR SANCTIONED ENDURANCE RACES, COMMONLY ACCEPTED LIVESTOCK PRACTICES, AND FOR HUMANE DESTRUCTION OF AN ANIMAL FOR JUST CAUSE; ESTABLISHING A PENALTY FOR REPEAT OFFENSES; AND AMENDING SECTION 45-8-211, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 45-8-211, MCA, is amended to read:

"**45-8-211. Cruelty to animals** -- exception. (1) A person commits the offense of cruelty to animals if without justification he knowingly or negligently subjects an animal to mistreatment or neglect by:

(a) overworking, beating, tormenting, injuring, or killing any animal;

(b) carrying or confining any animal in a cruel manner;

(c) failing to provide an animal in his custody with:

(i) proper food, drink, or shelter; or

(ii) in cases of immediate, obvious, serious injury, licensed veterinary or other appropriate medical care;





(d) abandoning any helpless animal or abandoning any animal on any highway, railroad, or in any other place where it may suffer injury, hunger, or exposure or become a public charge; or

(e) promoting, sponsoring, conducting, or participating in ~~a horse~~ an animal race of more than 2 miles, except a sanctioned endurance race.

(2) A person convicted of the offense of cruelty to animals shall be fined not to exceed $500 or be imprisoned in the county jail for a term not to exceed 6 months, or both. A person convicted of a second or subsequent offense of cruelty to animals shall be fined not to exceed $1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both. If ~~such~~ the person is the owner, he may be required to forfeit to the county in which he is convicted any animal affected. This provision does not affect the interest of any secured party or other person who has not participated in the offense.

(3) In addition to the sentence provided in subsection (2), the court may require the defendant to pay all reasonable costs incurred in providing necessary veterinary attention and treatment for any animal affected.

(4) Nothing in this section prohibits:

(a) a person from humanely destroying an animal for just cause; or



INTRODUCED BILL
HB 690

(b) the use of commonly accepted livestock practices on livestock."

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15
In compliance with a written request, there is hereby submitted a Fiscal Note for HB0690, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The bill revises the law regarding cruelty to animals by adding cruel confinement and failure to provide licensed veterinary or medical care as punishable offenses: adds an exception for sanctioned endurance races, commonly accepted livestock practices and for humane destruction of an animal; also establishes a penalty for repeat offenses.

ASSUMPTIONS:

1. The bill will provide protection against cruelty to, and neglect of, animals without having a material impact on local government expenditures or revenues.
2. The bill will have no fiscal impact on state agencies.

FISCAL IMPACT:

None.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

No material impact on local governments.

2-13-91
ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

2/15/91
HAL HARPER, PRIMARY SPONSOR DATE

Fiscal Note for HB0690, as introduced

HB 690

CHAIRMAN--BOB BACHINI
NORMAL SCHEDULE==> SITE: ROOM 312-3 DAYS: M,T,W,T,F TIME: 8:00 A.M.
SECRETARY-JO LAHTI

| --BILL NO--- | REFER DATE--- | HEARING DATE--- | CONSIDERATION DATES---------- | COMMITTEE ACTION---------- | REREFERRED TO COMM---- | DATE OUT- |
|---|---|---|---|---|---|---|
| HB0629 | 2/06 | 3/07 | | PASS AS AMENDED | | 3/07 |
| MCCULLOCH, SCOTT | | | REQUIRE PERIODIC RENEWALS OF CERTIFICATES OF LIMITED PARTNERSHIP | | | |
| HB0651 | 2/06 | 3/07 | | PASS AS AMENDED | | 3/09 |
| HARRINGTON, DAN | | | REPEAL EXISTING FRATERNAL BENEFIT SOCIETY LAW AND REPLACE WITH NEW TITLE | | | |
| HB0655 | 2/06 | 2/19 | | PASS AS AMENDED | | 2/20 |
| GRADY, ED | | | AUTHORIZE BELOW GRADE LIQUEFIED PETROLEUM GAS APPLIANCES | | | |
| HB0664 | 2/07 | 3/15 | | PASS AS AMENDED | APPROPRIATIONS | 3/16 |
| SOUTHWORTH, JIM | | | FUND MEDICAL RESEARCH FACILITIES PROJECTS | | | |
| HB0667 | 2/07 | 2/20 | | PASS AS AMENDED | | 2/21 |
| DARKO, PAULA | | | ALLOW BD OF MED EXAMINERS TO RAISE LICENSE FEES TO HIRE ADDITIONAL STAFF | | | |
| HB0672 | 2/07 | 2/20 | | PASS AS AMENDED | | 2/21 |
| FAGG, RUSSELL | | | GENERALLY REVISE INSURANCE LAWS; PROVIDING CONSUMER PROTECTION | | | |
| HB0674 | 2/07 | | | | AGRICULTURE | |
| COBB, JOHN | | | REQUIRE LABELING OF CHICKEN AND TURKEY WHEN WATER ABSORBED IN PROCESSING | | | |
| HB0683 | 2/07 | 2/20 | | DO PASS | | 2/20 |
| SIMPKINS, RICHARD | | | REGULATE USE OF AFTER CRASH PART NOT MADE BY ORIGINAL MANUFACTURER OF AUTO | | | |
| HB0686 | 2/07 | 2/18 | | TABLED ON 02/19 | | |
| KILPATRICK, TOM | | | REIMBURSING RETAILER FOR GASOLINE TAX EVAPORATION ALLOWANCE | | | |
| HB0688 | 2/08 | 2/11 | | TABLED ON 02/13 | | |
| SIMPKINS, RICHARD | | | ELIMINATING INSPECTIONS BY BOARD OF COSMETOLOGISTS | | | |
| HB0690 | 2/08 | 2/22 | | PASS AS AMENDED | | 2/22 |
| HARPER, HAL | | | REVISE CRUELTY TO ANIMALS LAW AND INCREASE PENALTY FOR NUMEROUS OFFENSES | | | |

# MINUTES

## MONTANA HOUSE OF REPRESENTATIVES
## 52nd LEGISLATURE - REGULAR SESSION

## COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

**Call to Order:** By **REP. BOB BACHINI, CHAIRMAN,** on February 22, 1991, at 7:00 a.m.

### ROLL CALL

**Members Present:**

Bob Bachini, Chairman (D)
Sheila Rice, Vice-Chair (D)
Joe Barnett (R)
Steve Benedict (R)
Brent Cromley (D)
Tim Dowell (D)
Alvin Ellis, Jr. (R)
Stella Jean Hansen (D)
H.S. "Sonny" Hanson (R)
Tom Kilpatrick (D)
Dick Knox (R)
Don Larson (D)
Scott McCulloch (D)
Bob Pavlovich (D)
John Scott (D)
Don Steppler (D)
Rolph Tunby (R)
Norm Wallin (R)

**Staff Present:** Paul Verdon, Legislative Council
Jo Lahti, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Announcements/Discussion:** HB 703, HB 854, HB 782, HB 690, HB 719, HB 932 were to be heard. Executive Action taken on HB 782.

### HEARING ON HB 703

**Presentation and Opening Statement by Sponsor:**

**REP. BRADLEY, HD 79, Bozeman,** stated HB 703 is an Act authorizing the Montana Science and Technology Alliance to make loans of up to $2 million from the In-state Investment Fund to private venture capital companies for investment in new or expanding business; providing criteria for the investment loans; providing terms for the investment loans; amending several Sections of Title 90-3, MCA; and providing an effective date. The purpose of HB 703 is to give a new option to the Montana Science and Technology Alliance (MSTA) to place up to $2 million of their

each licensed motor vehicle wrecking facility." Who is doing that now? **REP. STELLA JEAN HANSEN** said it depends on the counties and the help available. Some inspections come from the Department of Health. **Jon Dilliard** said the Department is trying to get the county to do more inspections. Some counties don't do any inspections and the state is forced to do them. There are counties who do their own inspection.

**REP. ELLIS** asked how the auction will be conducted? **Mr. Dilliard** said the individual county would have input on how it is handled. The idea considered is a sealed bid auction after people had viewed the vehicles.

**Vote: Motion that HB 782 as amended do pass and be placed on consent calendar carried unanimously.**

## HEARING ON HOUSE BILL 690

**Presentation and Opening Statement by Sponsor:**

**REP. HAL HARPER, HD 44, Helena,** stated HB 690 was requested by the Humane Society and is supported by livestock and agriculture interests. It is an Act revising the law regarding cruelty to animals by adding cruel confinement and failure to provide licensed veterinary or medical care as punishable offenses; adding an exception for sanctioned endurance races, commonly accepted livestock practices, and for humane destruction of an animal for just cause; establishing a penalty for repeat offenses; and amending Section 45-8-211, MCA.

The bill adds "or confining" an animal on Page 1, line 21. This is addressing dogs and cats on hot days in vehicles with windows rolled up. On the bottom of the page "in cases of immediate, obvious, serious injury" there must be appropriate medical care. On Page 2, the exemption was broadened from horse race to animal race, except a sanctioned endurance race. On repeated offenses, the fine was raised. On the bottom of Page 2 and top of Page 3 are exemptions applying to agriculture. The progress of civilization is judged by how animals are treated.

**Proponents' Testimony:**

**Judith Fenton, Federated Humane Society of Montana,** supported HB 690 and presented written testimony. **EXHIBIT 5.**

**Tim Sweeney, President, Lewis and Clark Humane Society,** and on behalf of **Missoula Humane Society,** supported HB 690, and presented written testimony with a copy of a letter from the Missoula Humane Society suggesting possible amendments. **EXHIBIT 6.**

**Sharon Langdorf, Manager and Director of Lewis and Clark Humane Society, Helena,** said this is an important national concern. Nearly 70,000 companion animals are born each day in the United States, compared with 10,000 human infants born each day. Pets are often ignored, abused and neglected. HB 690 would authorize a more aggressive form of prosecution and restitution. **Ms. Langdorf** urged passage of HB 690 and its amendments. **EXHIBIT 7.**

**Carol Mosher, Montana Stockgrowers and Montana Cattlewomen,** is a rancher with lots of animals. She supported HB 690. Written testimony was presented. **EXHIBIT 8.** The word "confining" is a concern, and **Ms. Mosher** suggested an amendment to omit the word "confining" or to add in the last sentence of the bill "in the use of commonly accepted agricultural practices."

**John Skufca, Department of Livestock,** said the Department supports HB 690. **Mr. Skufca** visited with **REP. HARPER** regarding what would constitute cruel confinement and they agreed that if a judge used the common definition of cruel in applying the law, that would be appropriate. This is an area which may need to be addressed legally on a case by case basis.

**Roger Tippy, Montana Veterinary Medicine Association,** stated the veterinarians discussed the bill at their midwinter meeting in Bozeman last month. It is an improvement to the Cruelty to Animal statute, and the veterinarians support the bill.

**Opponents' Testimony:** None

**Questions From Committee Members:**

**REP. BENEDICT** asked **REP. HARPER** about confining animals in reference to rodeos. **REP. HARPER** stated that rodeos, squeeze chutes, branding, tethering, poultry farming, dairy farming are all commonly accepted practices. **REP. BENEDICT** asked if there would be objection to putting that in the bill so it is more clearly defined. **REP. HARPER** said that can be done, but the problem with listing and limiting specific things, is the one left out is the one that will cause trouble. The statement "commonly accepted livestock practices" is intended to cover all commonly accepted livestock practice.

**REP. BACHINI** asked if the amendment proposed by the Stockgrowers on Page 3 to add agricultural practices would take care of the rodeo concern? **REP. HARPER** said he thought rodeos are covered. This is a pro-agriculture bill, it explicitly excludes agriculture from the law.

**REP. STEPPLER,** referring to Page 1, lines 24 and 25, in cases of serious illness or injury, can people take care of them or does it have to be a veterinarian? **REP. HARPER** replied that is the reason for the last sentence which states "other appropriate medical care".

**REP. ELLIS** asked for any comment on illness. **REP. HARPER** said an illness would have to be so severe that it would be obvious.

**REP. TUNBY** asked if this would address raising foxes in cages? **REP. HARPER** replied he tried to pass a fur farm bill last session that was supported by every fur farm in the State, and the bill died in the Senate. This bill does not address that concern. Those practices are regulated by the Department of Livestock, and in all those cases those are commonly accepted practices.

Closing by Sponsor:

**REP. HARPER** thanked the committee and asked for their support.

## HEARING ON HOUSE BILL 719

Presentation and Opening Statement by Sponsor:

**REP. DAVE BROWN, House District 72, Butte,** presented HB 719. It is an Act restricting persons who may conduct a physical examination or review of chiropractic records on behalf of an insurer; and amending Section 33-1-102, MCA. HB 719 clarifies who may perform independent medical examinations when chiropractic patients are involved. This bill ensures that an independent medical examination either by studying a patient's charts and records or by an actual physical examination is to be performed by a chiropractor. The chiropractor must be licensed by and practice in the State of Montana. The treating physician never performs this function. In the course of treatment of a patient, the insurer may request an examination be done by a physician not in charge of the treatment of the patient. This exam is done to determine if the current course of treatment is best. Blue Cross/Blue Shield uses a chiropractic consultant, as does Workers Comp in many cases. Sometimes exams are performed by medical doctors and this can be troublesome.

There is a long-standing discriminatory attitude on the part of any medical doctor toward chiropractors. Not only do MDs not know about chiropractic care, they actively try to steer patients to MDs who will probably perform surgery or other expensive care that may not be needed. This bill says if the patient has purchased insurance that covers chiropractic care, and if an independent medical examination becomes necessary, the exam must be performed by a chiropractor practicing in Montana. Last session legislation was passed allowing chiropractors to perform impairment evaluations in Workers Compensation cases if the treating physician is a chiropractor. Montana's chiropractors took that responsibility very seriously and their Board passed rules requiring a minimum of 36 hours of intensive course study in impairment rating and completion of a day-long test. About 30 chiropractors have been through this process and some Workers Compensation employees have said chiropractors are some of the best impairment evaluators in the state. The marketplace demands chiropractic care be a covered service and if employers who

**REP. KNOX** opposes the bill because in most taverns where there are fewer machines, say 5, this has triple number of games. He cannot support the bill. It is an expansion of gambling.

**REP. ELLIS** thought it wouldn't be an expansion as long as they are paying more taxes. They can put in more machines. The manufacturer only makes agreements and doesn't sell the machines? **Mr. Bennett** said they have had a policy of selling to distributors only and that is the problem, but have limited production capacity to a customer who pays if there is an increase in production.

**REP. PAVLOVICH** said you have been in business for five years and you only sell to the distributor. He can never buy that machine? **Mr. Bennett** said that is because of the existing machines in the country. They sell to a distributor in the Butte area. They have no agreement with that distributor to sell a machine. **REP. PAVLOVICH** wanted to know why he can't buy a machine.

**Motion/Vote: REP. PAVLOVICH moved HB 932 AS AMENDED BE TABLED. Motion carried with REPS. LARSON, CROMLEY, ELLIS, WALLIN voting NO.**

## EXECUTIVE ACTION ON HB 690

**Motion/Vote: REP. CROMLEY moved HB 690 DO PASS. He moved the amendment EXHIBIT 14 which was unanimously adopted. Motion HB 690 DO PASS AS AMENDED carried unanimously.**

## EXECUTIVE ACTION ON HB 854

**Motion: REP. PAVLOVICH moved HB 854 DO PASS.**

**Motion: REP. KNOX moved amendment to HB 854.**

**Discussion:**

**REP. KNOX** thought Page 8, line 1 should be amended to "quarterly" or "semi-annually". **REP. CROMLEY** resisted the amendment primarily because it deals with the point in time when the benefits are being paid. He believes it is a benefit payment status. Payments are being paid monthly.

**REP. SONNY HANSON** said on Page 7, line 23, and Page 8, lines 1 and 4, it should be changed in both places. **REP. KILPATRICK** said it would be a quarterly report paid by the month.

**Vote: REP. PAVLOVICH moved HB 854 AS AMENDED DO PASS. It carried unanimously. REP. STELLA JEAN HANSEN was absent.**

## EXECUTIVE ACTION ON HB 719

**Motion: REP. PAVLOVICH MOVED HB 719 DO PASS. REP. SHEILA RICE** moved to amend HB 719, on page 2, line 25, before current Section 2, add Subsection (2). **EXHIBIT 15.**

EXHIBIT 5
DATE 2-22-91
HB

# Federated Humane Societies of Montana

February 22, 1991

House Business & Economic Development Committee
Mr. Bob Bachini, Chairman

Testimony in support of HB690

By: Judith Fenton, Secretary/Treasurer
Federated Humane Societies of Montana
Blue Sky Heights #26
Clancy, MT 59634
(406) 933-5922 or 458-5670

Although the 12 Humane Societies in Montana have no enforcement authority under State law, we are often called upon to check out possible animal cruelty incidents. The general public expects us to do something. Often the situation can be corrected by educating the people involved in the proper care of their animals or informing them how Montana law requires proper care of animals. Along with montana animal control people we frequently work with this section of law. For several years we have discussed at our joint annual Federated Humane Societies and Montana Animal Control Assoc. meeting how the law could be reworded to aid cruelty investigations. We were interested in making only a few simple changes to clarify the law.

Section 1 (b) adds the word confining to clarify a situation where dogs have been locked in cars and suffered or died of heat stroke. This has happened several times in the last few years at our local Lewis & Clark County fairgrounds.

Adding the requirement for veterinary care under Section 1 (c) seems to be addressing an obvious thing that any responsible owner would do, but we often see neglect of this type. Recently a man in Anaconda with 142 dogs and 19 cats set the broken leg of one of his dogs himself. It ended up sticking out to the side.

Section 1 (e) would allow sanctioned endurance races of more than 2 miles to bring Montana law in line with what is already happening.

One reason for adding additional penalty for multiple convictions of animal cruelty is that persons convicted under this Statue seldom inflict cruel treatment upon only one animal, and if convicted they often repeat the offensive behavior. Also it is difficult to get County Attorneys and Judges to take cruelty to animals seriously when the penalty is so minor.

The general public acknowledges that animal cruelty will not be tolerated by civilized society. This attitude is growing. When the law falls short of doing anything about a had situation then we must resort to publicity to correct the problem. Montana certainly doesn't need anymore adverse publicity in this area. HB690 is a chance to strengthen our cruelty Statues and ensure the proper treatment of animals in our State.

Thank you for your kind attention to this matter.

EXHIBIT 6
DATE 2-22-91
HB 690

WITNESS STATEMENT
Tim Sweeney -- House Bill 690

Mr. Chairman and Representatives, my name is Tim Sweeney and I am President of the Lewis & Clark Humane Society. I am appearing today on behalf of the Lewis & Clark Humane Society and the Missoula Humane Society.

I wish to express our collective support for House Bill 690 and its amendments to Section 45-8-211, MCA.

There are people or groups who will tell you that animal cruelty laws are not deserving of your time and attention. There are still others who will maintain that animal cruelty laws are the fodder of animal rights activists. I would respectively submit to you that not only are these people wrong, but also that the majority of Montanans do not share their opinions.

The majority of Montanans, your constituents included, are people who call our animal shelters concerned about the welfare of a neighbor's animal. And these same people are the ones who bring us animals that have been subjected to mistreatment or neglect. And, they are also the ones who wonder why their local shelter cannot do more or why cruelty goes unabated.

If you think I am talking about little old ladies calling in about Fluffy looking thin or Rover running free, you are dead wrong. If you think I am talking about animal rights activists complaining about livestock practices, you are equally wrong.

I am talking about people such as yourselves who can't stand to see puppies and kittens abandoned in garbage dumpsters,

or pets suffocating in a sealed car in the heat of summer, or bare-ribbed horses starving in the dead of winter.

I can assure that we are not talking about small segment of Montana's population here, because these people, your constituents, are giving us more business then we can emotionally or financially handle.

And, nor are we just talking about animal rights activists. Ranchers and farmers do not tolerate the abuse and neglect of their animals. Ask ranchers or farmers how they treat their stock and you will be told that their animals receive the best of care. I would therefore maintain that we are not debating an animal rights issue. No, when we are talking about cruelty, we are talking about acceptable standards of human conduct.

So why do we need House Bill 690? We need House Bill 690 because Section 45-8-211 contains gaps which prohibit effective enforcement of the cruelty laws. The kind of gaps that result in frustration for your constituents when we cannot prevent or remedy a certain form of cruelty.

We also need House Bill 690 because it stiffens the penalties for animal cruelty. The commonly accepted rationale for jail sentences and fines is that such penalties are a deterrent against prohibited conduct. If the assigned penalties do not provide a sufficient deterrent, then there is an argument for stiffer penalties.

If you agree that animal cruelty is crime deserving of a penalty strong enough to deter violations, then the prevalence

of animal cruelty cases argues for the stiffer penalties provided by House Bill 690.

For all the above reasons, the Lewis & Clark Humane Society and the Missoula Humane Society urge this Committee to give House Bill 690 a "Do Pass" recommendation.

Exhibit # 6
2-22-91 HB 690

PROPOSED AMENDMENTS TO HOUSE BILL 690

Submitted by
The Lewis & Clark Humane Society

Section 1, (1)(ii), Line 24:
Following "serious"
Insert "illness or"

We would also propose that violations of Section 45-8-211, MCA, be designated as felony violations. Such treatment would be in accord with the seriousness of the crime.

— Exhibit # 6
2-22-91 HB 690

MISSOULA HUMANE SOCIETY

February 20, 1991

The Honorable Bob Bachini
Chairman, House Business & Economic Development Committee
State Capitol
Helena, Montana 59620

Dear Representative Bachini:

The Missoula Humane Society applauds HB 690 and the effort to amend section 45-8-211 of the criminal code to better protect animals from cruelty. We would suggest some additional provisions which we believe would further strengthen this law:

1) In section 1(ii), we would recommend adding the words or illness after injury. The need for medical care for a seriously ill animal is just as great as the need for treatment of a seriously injured animal.

2) It would be helpful to qualify, by definition, what is meant by a "sanctioned" endurance race to prevent any exploitation of this exception.

3) The Missoula Humane Society suggests that violations of section 45-8-211 be a felony, with corresponding penalties. Animal cruelty is a serious offense, and should be treated as such under the law. Intentional acts of animal cruelty represent a basic disregard for the value of life and the suffering of sentient beings. It further reveals a basic inhumanity which may later be expressed in acts of violence against fellow human beings.

4) Finally, we would suggest that the reference to humane destruction, as described in section 1(4a), be changed to humane euthanasia. We would further suggest that euthanasia be performed by a licensed veterinarian, or a qualified animal shelter technician unless the animal was in acute pain, or circumstances prevented access to such euthanasia.

Again, we commend the sponsors of HB 690 for their efforts to strengthen this important state law, and we appreciate your consideration of these suggested additional provisions.

Sincerely,

Michelle Frodey-Hutchins

Michelle Frodey-Hutchins
Education Coordinator, Missoula Humane Society

cc: Members of the committee

EXHIBIT 7
DATE 2-22-91
HB 690

**HOUSE OF REPRESENTATIVES**

**WITNESS STATEMENT**

**PLEASE PRINT**

NAME SHARON LANGDORF BILL NO. HB690

ADDRESS 1712 E. CUSTER AVE. Helena, MT DATE 2-22-91

WHOM DO YOU REPRESENT? LEWIS & CLARK HUMANE SOCIETY

SUPPORT X OPPOSE _____ AMEND _____

COMMENTS:

General comments and personal experiences & examples to support this necessary adjustment to HB690.

HR:1991
CS15

Senate EXHIBIT 8
DATE 2-22-91
690

Feb 22, 1991

BEST COPY AVAILABLE

Montana Cattlewomen
Montana Stockgrowers

House Business
H.B 690

We support the concept of HB 690 and believe in humane treatment of animals in our care.

Modern farm animal production is no accident. Improved animal housing, handling practices and healthy, nutritious feeds are a result of billions of dollars of private and governmental research into how to raise healthy animals. As American agriculture grows and changes, farmers and ranchers remain committed to the welfare of their livestock so that we can provide the public with the highest quality and safest food in the world.

We are concerned with the wording in the bill on page one, line 21, where it speaks of "confining". There may be times when we have to confine animals to both protect them and to protect our property and livlihood.

Two ways to improve this bill would be to either omit the word confining or else in the last sentence of the bill it could be worded "in the use of commonly accepted agricultural practices".

EXHIBIT 17
DATE 2/22/91
HB 690

Amendments to House Bill No. 690
First Reading Copy

For the Committee on Business and Economic Development

Prepared by Paul Verdon
February 22, 1991

1. Title, line 8.
Following: "ACCEPTED"
Insert: "AGRICULTURAL AND"

2. Page 1, line 24.
Following: "serious"
Insert: "illness or"

3. Page 3, line 1.
Following: "accepted"
Insert: "agricultural and"

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

BILL NO. HB 690 HB 703

DATE ~~FEB. 22, 1991~~ SPONSOR(S) REP. HARPER REP. BRADLEY

**PLEASE PRINT PLEASE PRINT PLEASE PRINT**

| NAME AND ADDRESS | REPRESENTING | BILL | OPPOSE | SUPPORT |
|---|---|---|---|---|
| Samuel Hubbard Bozeman | Interwest Development Associates | 703 | | X |
| Steve Huntington Helena | Mountain West Ventures | 703 | | X |
| Tim Sweeney Ellston | LEWIS & CLARK HUMANE SOC MISSOULA HUMANE SOCIETY | 690 | | X |
| Judith Fenton | Federated Humane Soc. of Mt | 690 | | ✓ |
| SHARON LANGDORF | LEWIS & CLARK Hum. Soc | 690 | | ✓ |
| Carl Russell | MT Sci + Tech Alliance | 703 | | ✓ |
| Alan Nicholson | Development Corp of Mt. | 703 | | ✓ |
| Kay Foster | Billings Chamber | 703 | | ✓ |
| Dave Lewis | Board of Investments | 703 | | ✓ |
| JON MARCHI, POLSON | MT. PRIVATE CAP. NETWORK | 703 | | ✓ W/ AMEND. |
| Jim Smith | MRCCA | 703 | | X |
| John Skufca | Dept. of Livestock | 690 | | ✓ |
| CAROL MOSHER | MT. CATTLEWOMEN | 690 | | ✓ |

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

X

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

2062

Business & Economic Develop COMMITTEE BILL NO. HB 690 HB 703

DATE Feb. 22, 1991 SPONSOR(S) Rep. Harper Rep. Bradley

**PLEASE PRINT** **PLEASE PRINT** **PLEASE PRINT**

| NAME AND ADDRESS | REPRESENTING | BILL | SUPPORT | OPPOSE |
|---|---|---|---|---|
| LARRY WALKER | MT WEST | 703 | X | |
| Randall Richards | American Cancer Soc. | 690 | X & amendment | |
| JIM PETERSON | Mt. Stockgrowers | 690 | ✓ | |
| Roger Tippy | Mt Veterinary Medicine Assn. | 690 | ✓ | |
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PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE STANDING COMMITTEE REPORT

February 22, 1991



Mr. Speaker: We, the committee on Business and Economic Development report that House Bill 690 (first reading copy -- white) do pass as amended .

Signed: Bob Bachini
Bob Bachini, Chairman

And, that such amendments read:

1. Title, line 8.
Following: "ACCEPTED"
Insert: "AGRICULTURAL AND"

2. Page 1, line 24.
Following: "serious"
Insert: "illness or"

3. Page 3, line 1.
Following: "accepted"
Insert: "agricultural and"

CHAIRMAN--DOROTHY ECK
NORMAL SCHEDULE==> SITE: ROOM 410 DAYS: M,W,F TIME: 3:00 P.M.

SECRETARY-CHRISTINE MANGIANTINI

| --BILL NO--- | REFER DATE--- | HEARING DATE--- | CONSIDERATION DATES---------- | COMMITTEE ACTION---------- | REREFERRED TO COMM---- | DATE OUT- |
|---|---|---|---|---|---|---|
| HB0667 | 3/11 | 3/27 | | CONCUR | | 3/28 |
| DARKO, PAULA | | | ALLOW BD OF MED EXAMINERS TO RAISE LICENSE FEES TO HIRE ADDITIONAL STAFF | | | |
| HB0690 | 3/11 | 4/01 | | CONCUR | | 4/02 |
| HARPER, HAL | | | REVISE CRUELTY TO ANIMALS LAW AND INCREASE PENALTY FOR NUMEROUS OFFENSES | | | |
| HB0693 | 4/04 | 4/10 | | CONCUR AS AMENDED | | 4/12 |
| THOMAS, FRED | | | PROMOTE HEALTH INSURANCE FOR UNINSURED MONTANANS | | | |
| HB0700 | 2/27 | 3/25 | | CONCUR | | 3/26 |
| NELSON, THOMAS | | | REVISE TERM OF HEALTH FACILITY LICENSE | | | |
| HB0713 | 2/25 | 3/18 | | TABLED ON 03/20 | | |
| KNOX, DICK | | | REVISE THE TERM "MENTAL DISORDER" IN LAW RELATING TO CENTER FOR THE AGED | | | |
| HB0761 | 2/27 | 3/20 | | CONCUR AS AMENDED | | 4/02 |
| PECK, RAY | | | AUTHORIZE TESTING OF SEXUAL OFFENDERS FOR SEXUALLY TRANSMITTED DISEASES | | | |
| HB0785 | 2/26 | 3/27 | | CONCUR | | 4/02 |
| MESSMORE, CHARLOTTE | | | REVISE THE MONTANA HEALTH MAINTENANCE ORGANIZATION ACT | | | |
| HB0788 | 2/26 | 3/25 | | TABLED ON 04/01 | | |
| SCHYE, TED | | | REVISE MONTANA ABORTION CONTROL STATUTE | | | |
| HB0831 | 2/27 | 3/18 | | CONCUR | | 3/19 |
| BROWN, JAN | | | STANDARDS FOR CHEMICAL DEPENDENCY PROGRAMS | | | |
| HB0849 | 2/27 | 3/11 | | CONCUR | | 3/23 |
| BRADLEY, DOROTHY | | | MONTANA SCHOOL STUDENTS CIGARETTE/TOBACCO REFERENDUM | | | |
| HB0860 | 2/26 | 3/11 | | CONCUR AS AMENDED | PUBLIC HEALTH | 3/14 |
| DOWELL, TIM | | | DECLARE STATE BUILDINGS SMOKE-FREE | | | |

HOUSE BILL NO. 690

INTRODUCED BY HARPER, RUSSELL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW REGARDING CRUELTY TO ANIMALS BY ADDING CRUEL CONFINEMENT AND FAILURE TO PROVIDE LICENSED VETERINARY OR MEDICAL CARE AS PUNISHABLE OFFENSES; ADDING AN EXCEPTION FOR SANCTIONED ENDURANCE RACES, COMMONLY ACCEPTED AGRICULTURAL AND LIVESTOCK PRACTICES, AND FOR HUMANE DESTRUCTION OF AN ANIMAL FOR JUST CAUSE; ESTABLISHING A PENALTY FOR REPEAT OFFENSES; AND AMENDING SECTION 45-8-211, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 45-8-211, MCA, is amended to read:

"**45-8-211. Cruelty to animals** -- exception. (1) A person commits the offense of cruelty to animals if without justification he knowingly or negligently subjects an animal to mistreatment or neglect by:

(a) overworking, beating, tormenting, injuring, or killing any animal;

(b) carrying or confining any animal in a cruel manner;

(c) failing to provide an animal in his custody with:

(i) proper food, drink, or shelter; or

(ii) in cases of immediate, obvious, serious ILLNESS OR injury, licensed veterinary or other appropriate medical care;

(d) abandoning any helpless animal or abandoning any animal on any highway, railroad, or in any other place where it may suffer injury, hunger, or exposure or become a public charge; or

(e) promoting, sponsoring, conducting, or participating in ~~a horse~~ an animal race of more than 2 miles, except a sanctioned endurance race.

(2) A person convicted of the offense of cruelty to animals shall be fined not to exceed $500 or be imprisoned in the county jail for a term not to exceed 6 months, or both. A person convicted of a second or subsequent offense of cruelty to animals shall be fined not to exceed $1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both. If ~~such~~ the person is the owner, he may be required to forfeit to the county in which he is convicted any animal affected. This provision does not affect the interest of any secured party or other person who has not participated in the offense.

(3) In addition to the sentence provided in subsection (2), the court may require the defendant to pay all reasonable costs incurred in providing necessary veterinary attention and treatment for any animal affected.

(4) Nothing in this section prohibits:

(a) a person from humanely destroying an animal for

just cause; or

(b) the use of commonly accepted AGRICULTURAL AND livestock practices on livestock."

-End-

# MINUTES

## MONTANA SENATE
## 52nd LEGISLATURE - REGULAR SESSION

## COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY

**Call to Order:** By Chairman Dorothy Eck, on April 1, 1991, at 3:40 p.m.

## ROLL CALL

**Members Present:**
Dorothy Eck, Chairman (D)
Eve Franklin, Vice Chairman (D)
James Burnett (R)
Thomas Hager (R)
Judy Jacobson (D)
Bob Pipinich (D)
Thomas Towe (D)

**Members Excused:**
David Rye (R)

**Staff Present:** Tom Gomez (Legislative Council)
Christine Mangiantini (Committee Secretary)

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Announcements/Discussion:** None.

## HEARING ON HOUSE BILL 989

### Presentation and Opening Statement by Sponsor:

Representative Brent Cromley opened by saying this bill revises laws relating to food establishments. In 1990 the Food and Drug Administration issued a report of a random survey of 75 restaurants in Montana. The average score was 70, as it related to health. Had it been one point lower it would have been rated as unacceptable. The fee is currently $50.00, he would like to see it raised to $75.00. He passed the committee copies of Exhibit #1.

### Proponents' Testimony:

The first witness was Mitzi Schwab, representing the Food and Consumer Safety Bureau, Department of Health and Environmental Sciences. See Exhibit #2 for a copy of her testimony.

Ms. Sorm said they employ one inspector and they are requesting a second one. The existing appropriations would support the position.

Closing by Sponsor:

Representative Rice closed by saying there were no problems with the bill. She thanked the committee for a good hearing.

## EXECUTIVE ACTION ON HOUSE BILL 953

Motion:

Senator Burnett moved concurrence.

Discussion:

None.

Amendments, Discussion, and Votes:

None.

Recommendation and Vote:

There being 8 ayes and 0 nays the motion carried.

## HEARING ON HOUSE BILL 690

Presentation and Opening Statement by Sponsor:

Representative Hal Harper opened by saying this bill revised the cruelty to animal statutes. It has been reviewed by the veterinary community and by the humane societies. He read from the bill and said they added a penalty for repeated violations. People who commit these offenses do so repeatedly. Nothing in this bill will prohibit a person from humanely destroying an animal for just cause. The rodeo industry and farming practices are not intended to be addressed by this bill. He said this was a balanced bill.

Proponents' Testimony:

The first witness was Roger Tippy, representing the Montana Veterinary Association. He said they worked on drafting the bill and said it was carefully balanced.

The second witness was John Schufka, representing the Department of Livestock. He said they supported the bill.

Opponents' Testimony:

None.

Questions From Committee Members:

Senator Hager asked if Representative Harper would define the term 'cruel manner'.

Representative Harper said if you locked your dog in the car and it was 95 degrees out it would kill the dog. That is cruel.

Senator Hager asked if hens confined in cages would fit into the bill.

Representative Harper said before this law passes, it would depend on the judge. He said commonly accepted agricultural practices would be legitimized.

Senator Hager asked Mr. Schufka the same question.

Mr. Schufka said he agreed with Harper. It would be a commonly accepted livestock practice.

Senator Burnett asked it this bill were directed at the pet population.

Representative Harper said more or less. The livestock people were concerned that they could be the targets of negative bills.

Senator Burnett asked if they could amend the bill to just pertain to the pet population.

Representative Harper asked when was a horse a pet or when was it livestock.

Senator Burnett said he had been in the livestock business all his life. When a colt is brought in to break, most persons not familiar with livestock training would think they were treated rough. For example, withholding food and water to get their attention. He asked if this would be considered inhumane.

Representative Harper said what he was referring to were commonly used livestock techniques.

Senator Towe asked if a llama or a buffalo were considered livestock.

Mr. Schufka said they would be considered livestock under a portion of the livestock laws.

Senator Jacobson asked if transporting hunting dogs in the back of a car would be considered cruel.

Representative Harper said the county attorney would consider the charge. He said that would not be likely.

Closing by Sponsor:

Representative Harper closed by saying the points brought up during the hearing show how touchy amendments could be. He said the bill strikes a balance.

## EXECUTIVE ACTION ON HOUSE BILL 690

Motion:

Senator Towe moved concurrence.

Discussion:

None.

Amendments, Discussion, and Votes:

None.

Recommendation and Vote:

There being 6 ayes and 2 nays by Senators Burnett and Hager, the motion carried.

## EXECUTIVE ACTION ON HOUSE BILL 761

Motion:

Senator Towe moved to strike sections 2,3,4, and 5.

Discussion:

The chairperson explained the amendments that had been previously adopted.

Amendments, Discussion, and Votes:

There being no objections the motion carried.

Recommendation and Vote:

Senator Towe moved concurrence as amended. There being no objections the motion carried.

ROLL CALL ~~VOTE~~

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 4/1 Public Hearing Bill No. _____ Time _____

| NAME | YES | NO |
|---|---|---|
| SENATOR BURNETT | ✓ | |
| SENATOR FRANKLIN | ✓ | |
| SENATOR HAGER | ✓ | |
| SENATORJACOBSON | ✓ | |
| SENATOR PIPINICH | ✓ | |
| SENATOR RYE Excused | # | |
| SENATOR TOWE | ✓ | |
| SENATOR ECK | ✓ | |
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Secretary _____ Chairman _____

Motion: _____

1987

# ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 04/01/91 H Bill No. 690 Time 4:40 p.m.

| NAME | YES | NO |
|---|---|---|
| SENATOR BURNETT | | X |
| SENATOR FRANKLIN | X | |
| SENATOR HAGER | | X |
| SENATORJACOBSON | X | |
| SENATOR PIPINICH | X | |
| SENATOR RYE | X | |
| SENATOR TOWE | X | |
| SENATOR ECK | X | |
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Secretary Chairman

Motion: Senator Towe moved concurrence. There being 6 ayes and 2 nays the motion carried.

1987

DATE 4/01/91

COMMITTEE ON Senate Public Health

HB 690, HARPER HB 989, CROMLEY
HB 953, Rice

VISITORS' REGISTER

| NAME | REPRESENTING | BILL # | Check One: Support | Check One: Oppose |
|---|---|---|---|---|
| Rick Tucker | State Cosmetologist assoc | HB953 | ✓ | |
| Charles R. Brooks | MT. Retail Assoc | HB989 | ✓ | |
| Mitzi Schwab | DHES | HB 989 | ✓ | |
| Pete Frazier | City-Co. Health Dept Great Falls | HB959 | ✓ | |
| Roger Tippy | Mt. Sb. Veterinary Medicine Assn. | HB690 | ✓ | |
| CAROL MOSHER | MT. CATTLEWOMEN | HB690 | ✓ | |
| JEAN JOHNSON | MT Assoc of Homes for the Aging | HB989 | ✓ | |

(Please leave prepared statement with Secretary)

HOUSE BILL NO. 690

INTRODUCED BY HARPER, RUSSELL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW REGARDING CRUELTY TO ANIMALS BY ADDING CRUEL CONFINEMENT AND FAILURE TO PROVIDE LICENSED VETERINARY OR MEDICAL CARE AS PUNISHABLE OFFENSES; ADDING AN EXCEPTION FOR SANCTIONED ENDURANCE RACES, COMMONLY ACCEPTED AGRICULTURAL AND LIVESTOCK PRACTICES, AND FOR HUMANE DESTRUCTION OF AN ANIMAL FOR JUST CAUSE; ESTABLISHING A PENALTY FOR REPEAT OFFENSES; AND AMENDING SECTION 45-8-211, MCA."

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(b) carrying or confining any animal in a cruel manner;

(c) failing to provide an animal in his custody with:

(i) proper food, drink, or shelter; or

(ii) in cases of immediate, obvious, serious ILLNESS OR injury, licensed veterinary or other appropriate medical care;

(d) abandoning any helpless animal or abandoning any animal on any highway, railroad, or in any other place where it may suffer injury, hunger, or exposure or become a public charge; or

(e) promoting, sponsoring, conducting, or participating in ~~a horse~~ an animal race of more than 2 miles, except a sanctioned endurance race.

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(4) Nothing in this section prohibits:

(a) a person from humanely destroying an animal for



REFERENCE BILL

just cause; or

(b) the use of commonly accepted AGRICULTURAL AND livestock practices on livestock."

-End-